

SECOND REGULAR SESSION

# SENATE BILL NO. 790

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAMPION.

Pre-filed December 1, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

3290S.02I

## AN ACT

To amend chapter 650, RSMo, by adding thereto one new section relating to crime laboratories.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 650, RSMo, is amended by adding thereto one new section, to be known as section 650.059, to read as follows:

**650.059. 1. There is hereby established within the department of public safety a "Crime Laboratory Review Commission" to provide independent review of any state or local Missouri crime laboratory receiving any amount of state-administered funding.**

**2. The commission shall consist of nine members who shall be citizens of this state, including one senior manager from a crime laboratory within the state that is accredited by a body approved by the department of public safety, one licensed law enforcement officer employed in a management position, one prosecuting attorney, one criminal defense attorney, one crime victims' advocate, the director of the department of public safety or his or her designee, one retired or active Missouri judge, one faculty member of an institution of higher education within the state who teaches science, and one public member with expertise in forensic science that was obtained either through educational or work-related experience.**

**3. Except for the director of the department of public safety or his or her designee, the members shall be appointed by the governor with the advice and consent of the senate. For the initial term, the prosecuting attorney, criminal defense attorney, and crime victims' advocate shall serve a term of two years. The law enforcement officer, judge, and higher education faculty member shall serve a term of four**

22 years while the crime laboratory senior manager and public member  
23 shall serve a term of six years. Thereafter, all appointments for  
24 members shall be for six years. Except for the director of the  
25 department of public safety or his or her designee, any vacancy shall  
26 be filled by appointment for the unexpired term and each member of  
27 the board shall hold office until such member's successor is appointed  
28 and qualified.

29 4. Except when the member no longer meets the qualifications  
30 for which he or she was appointed to the commission, a member of the  
31 commission is removable by the governor only for just cause, after  
32 being given a written notice setting forth in substantial detail the  
33 charges against the member and an opportunity to be heard publicly on  
34 the charges before the governor. A copy of the charge and a transcript  
35 of the record of the hearing shall be filed with the secretary of state. If  
36 a member no longer meets the qualifications for which he or she was  
37 appointed, the member shall be removed by the governor without  
38 further action.

39 5. The members of the commission shall not receive  
40 compensation for their services other than to receive reimbursement  
41 costs directly associated with the execution of their commission duties.

42 6. The director of the department of public safety or his or her  
43 designee shall serve as chairman of the commission. The commission  
44 shall meet at least annually to review the current status of crime  
45 laboratories in this state. Five members of the commission shall  
46 constitute a quorum.

47 7. For the purposes of this section, the term "crime laboratories"  
48 shall mean any forensic science laboratory operated or supported  
49 financially by the state or any unit of city, county, or other local  
50 Missouri government, and employs at least one scientist who examines  
51 physical evidence in criminal matters and provides expert or opinion  
52 testimony with respect to such physical evidence in a state court of  
53 law.

54 8. The commission shall have the power to:

55 (1) Assess the capabilities and needs of Missouri crime  
56 laboratories, as well as their ability to deliver quality forensic services  
57 in a timely manner to law enforcement agencies in the state of  
58 Missouri, and make recommendations for improvements to such

59 services;

60 (2) Authorize independent external investigations into  
61 allegations of serious negligence or misconduct committed by  
62 employees or contractors of the laboratory system substantially  
63 affecting the integrity of forensic results. The commission shall solicit  
64 input and guidance from any appropriate expert as it deems necessary  
65 in the investigation process;

66 (3) Appoint members to inspection or investigative teams to  
67 assist in carrying out the duties described in subdivisions (1) and (2) of  
68 this subsection;

69 (4) Issue reprimands to crime laboratories and to employees or  
70 contractors of crime laboratories found to be negligent or engaging in  
71 misconduct in the execution of their responsibilities;

72 (5) Make recommendations for changes in procedure of crime  
73 laboratories found to be negligent in the execution of their  
74 responsibilities; and

75 (6) Issue reports to the department of public safety summarizing  
76 any findings of negligence or misconduct of a crime laboratory or an  
77 employee or contractor of a crime laboratory and making  
78 recommendations regarding revocation or suspension of grant funding  
79 that the commission deems warranted.

80 9. The commission shall submit an annual report to the governor  
81 summarizing its activities and any suggestions to improve the crime  
82 laboratory system in this state.

83 10. The department of public safety shall have the authority to  
84 revoke any grant money from a crime laboratory if the laboratory does  
85 not cooperate with the commission or if allegations of serious  
86 misconduct or negligence are substantiated by the commission.

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